

2023

ANNUAL SECURITY REPORT



UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT BATESVILLE

Emergency Number Quick Reference

Emergency - Call 911

For Ambulance, Fire, or Crime in Progress

Non-Emergency - Call Batesville Police Dept 870-569-8111 or 870-698-2450 (Dispatch)

To report a crime or other non-emergency communication

UACCB Security Officer – 870-307-2421

Vice Chancellor for Student Affairs – 870-612-2014

Executive Director for Facilities and Auxiliary Services – 870-612-2039

Crime statistics are compiled in coordination with local law enforcement agencies. The UACCB campus is under the law enforcement jurisdiction of the Batesville Police Department. However, the Independence County Sheriff's Department or any state or federal law enforcement agency also has jurisdiction on the campus.

Crime Reporting Policy

Every crime should be reported to law enforcement officials as soon as possible. This is the most effective way to ensure the well-being of the campus community. If this is not possible for some reason, the crime should be reported to one of the following: Executive Director of Facilities and Auxiliary Services, the Vice Chancellor for Student Affairs, or to a faculty or staff member that an individual student is comfortable talking to about the crime.

Confidential Crime Reporting is an essential, if not preferred, method of reporting. The preferred and primary points of crime reporting should be to the City of Batesville Police Department and the Office of the Executive Director of Facilities and Auxiliary Services. If you are the victim of a crime and do not want to pursue action within the College discipline system or the criminal justice system, you may still want to consider making a confidential report. If you choose to file a confidential report through the Executive Director of Facilities and Auxiliary Services or Vice Chancellor for Student Affairs, with your permission, the Executive Director or Vice Chancellor can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. It is the policy of the College to encourage the reporting of crimes even if the victim does not wish to file a complaint. The Executive Director of Facilities and

Auxiliary Services is responsible for collecting, reporting, and disseminating the annual crime statistics from the local law enforcement agencies and Campus Security Authorities for inclusion in the Annual Crime Report.

Timely Warnings

Timely warnings are made to the campus community about any occurrences that would pose a threat to the College community through the Office of the Executive Director of Facilities and Auxiliary Services, Vice Chancellor for Student Affairs, or the Office of the Chancellor. These reports are distributed in various ways depending on the nature of the information. Among the methods used are e-mail, text messages, warning flyers, campus meetings, and announcements.

Emergency Preparedness, Response, and Notification

Emergencies can occur any time without warning. Careful planning, with an emphasis on safety, can help members of the University of Arkansas Community College at Batesville (UACCB) community handle crises and emergencies with appropriate responses that may save lives and property. Every member of the UACCB community shares responsibility for emergency preparedness. The UACCB Emergency Response Plan establishes an emergency leadership structure and provides procedures to follow in the event of an emergency. This plan has been prepared to address all types of emergencies affecting UACCB in a coordinated and systematic manner. UACCB is committed to supporting the welfare of its students, faculty, staff and visitors.

Communication is a high priority in an emergency situation and UACCB has multiple layers of communications to notify the campus community of emergency situations. Each member of the Chancellor's Cabinet along with other key offices can activate the Emergency Notification Systems. UACCB Alert can be activated during a power failure, and all notification systems can be activated from off campus.

UACCB Alert

A text message and email alert system that allows students, faculty, and staff to register two mobile phone numbers and two email addresses to receive emergency notifications. Messages can be initiated through the internet or a cell phone.

UACCB uses Wireless Emergency Notification System (WENS) for UACCB Alert which utilizes true SMS technology that does not get hung up in queue with the carriers. Additionally, WENS has secured contracts with all major North American carriers to get top priority for notifications. This Tier 1 priority gives WENS the same priority as an emergency official such as a police or fire chief. To sign up for UACCB Alert visit the UACCB web site at www.uaccb.edu and click on "UACCB Alert Signup" listed under the Students menu on the homepage.

UACCB Email

Emergency notifications are sent to UACCB email addresses. All students, faculty (including adjunct) and staff are issued a UACCB email address.

Web Site

All emergency notifications are posted to the UACCB web site home page at www.uaccb.edu.

Evacuation

Buildings on campus have a notification system for emergency evacuation. The fire alarm system serves as the notification system. Whenever the alarm system sounds, everyone must leave the building and move to a safe location.

Testing and Evaluation

UACCB will test the emergency response and evacuation procedures at least once per calendar year. UACCB will publicize these procedures in conjunction with this test and document the date and time of the event.

Campus Prevention Activities

Students, faculty, and staff should and are strongly encouraged to report potential safety or security hazards by calling the Executive Director of Facilities and Auxiliary Services at 870-612-2039.

An escort service is available from dusk until 10:00 p.m. for the safety of anyone walking alone on campus at night. Contact 870-307-2421 for an escort.

Programs offered include: Student Health Fair, timely safety tips on monitors, brochures and presentations for domestic violence, stalking, date rape, alcohol and drug abuse programs, and sexual assault presented annually.

Maintenance of Campus Facilities

Proper lighting and building security are major factors in reducing crime on campus. The UACCB Physical Plant maintains the College buildings and grounds with a concern for safety and security. Inspections of campus facilities are conducted regularly, and repairs are made as quickly as possible. Individuals should report potential safety and security hazards, such as broken locks and windows. All members of the campus community are encouraged to report safety and security hazards to the Executive Director of Facilities and Auxiliary Services or via email to safety@uaccb.edu.

Alcohol and Drug Policy

UACCB regulations specify that the manufacture, use, possession, or sale of illegal drugs, controlled substances, and alcohol beverages on or about campus or as part of any of its activities are in violation of College policy. Serious offenses subject to disciplinary or

restricting action are: use, possession, sale, distribution, or manufacture of alcoholic beverages, marijuana, illegal drugs or controlled substances, except as prescribed by a registered medical doctor; arrest for violation of local, state, or federal drug law which adversely affects the student's suitability as a member of the College community; and violations of Arkansas or federal criminal statutes.

The disciplinary response by UACCB to violations of these policies may range from required enrollment in a drug and alcohol education course to expulsion from the College. Evidence of serious offenses such as manufacture, sale, or distribution will be referred to state and/or federal law enforcement authorities.

Drug and Alcohol Abuse Education

UACCB provides annual alcohol abuse education programs. Referrals are available through the Office of Student Development to groups, offices, agencies, and hospitals in the Batesville area that offer drug treatment and rehabilitation services and programs. Information about programs is available in the Office of Student Development. Additional resources can be located in the yellow pages of the telephone directory under the headings "Alcoholism Information and Treatment Centers" and "Drug Abuse and Addiction Information and Treatment."

Drug & Alcohol Programs-Groups, Offices, Hospitals

Hospital

White River Medical Center
1710 Harrison Street, Batesville, AR

Treatment Centers

Wilbur D. Mills Treatment Center
Phone: 501-268-7777
Emergency: 1-800-592-9503
Inpatient, outpatient, aftercare, day treatment

John 3:16 Ministries for Men [john316thecure.com]
75 Holmes Road Charlotte, Arkansas 72522
Phone: 870-799-2525

John 3:17 Women's Christian Recovery Center [john317ministry.org]
431 Hwy 145 S, Newport, AR 72112
Phone: 870-217-5603

New Hope Refuge for Women [newhoperefuge.org]
10 Bell Grove Rd, Batesville, AR 72501
Phone: 870-271-9828

Groups

Alcoholics Anonymous – Wednesdays at 7:00pm (John at 870-251-2421)

St. Paul's Episcopal Church Group, Parish Hall at 424 E. Main Street, Batesville

Alcoholics Anonymous – Thursdays at 5:30pm (Linda at 501-827-8012)

Byers Street Group, 2016 Byers Street, Batesville

Alcoholics Anonymous – Saturdays at 7:00pm (Dean at 409-539-9911)

What's the Point Group, 276 Main Street, Batesville

Find another meeting: www.arkansasaa.org and click on your region

Counseling Services

Counseling Services are available FREE to all students at UACCB. The counseling office will be open Monday-Friday 8:00 am-5:00 pm. If you are suffering with mental health issues like stress, anxiety, depression, please contact Maggie Beshears, LPC. This service can provide other mental health resources. The office number is 870-612-2035, email is maggie.beshears@uaccb.edu. This is a non-crisis line. For immediate assistance, please go to the nearest emergency room, contact 911, or call the National Suicide Prevention Hotline at 1 (800) 273-8255.

The counseling policies and procedures can be viewed on the UACCB website.

Additional Counseling Resources

Health Resources of Arkansas

Crisis Hotline: 1-800-592-9503

Phone: 870-793-8900 x1132 for Appointments

Life Strategies

Emergency: 1-855-919-1949

Phone: 870-793-3199

Methodist Counseling Clinic

Phone: 870-569-4890

WRMC Behavioral Health Services

Phone: 870-698-2100

Title IX Policy for Complaints of Sexual Assault or Other Forms of Sexual Harassment [UACCB Campus Procedure 410.3]

I. Notice of Nondiscrimination Under Title IX

The University of Arkansas Community College at Batesville (UACCB) does not discriminate on the basis of sex in the education programs and activities that it operates and is prohibited from doing so by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., and the U.S. Department of Education's implementing regulations, 34 CFR Part 106. The University's nondiscrimination policy extends to admission, employment, and other programs and activities. Inquiries regarding the application of Title IX and 34 C.F.R. Part 106 may be sent to the University's Title IX Coordinator, the U.S. Department of Education Assistant Secretary for Civil Rights, or both.

II. Jurisdiction and Scope

Sexual harassment as defined in this policy (including sexual assault) is a form of sex discrimination and is prohibited. Title IX requires the University to promptly and reasonably respond to sexual harassment in the University's education programs and activities, provided that the harassment was perpetrated against a person in the United States. At the time that a formal complaint is filed, the complainant must be participating in (or attempting to participate in) an education program or activity of the University. An education program or activity includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

This policy applies to allegations and complaints of sexual harassment as defined herein. All other complaints of discrimination or misconduct that do not fall within the jurisdiction of Title IX may be made through other campus procedures.

This policy shall not be construed or applied to restrict academic freedom at the University. Further, it shall not be construed to restrict any rights protected under the First Amendment, the Due Process Clause, or any other constitutional provisions. This policy also does not limit an employee's rights under Title VII of the Civil Rights Act.

III. Reporting

All complaints or reports about sex discrimination (including sexual harassment) should be submitted to the Title IX Coordinator:

Zach Perrine, Title IX Coordinator
UACCB Independence Hall 100G
(870) 612-2014
zach.perrine@uaccb.edu

C'aira Stewart, Deputy Title IX Coordinator
UACCB Independence Hall 100F
(870) 612-2040
caira.stewart@uaccb.edu

Jodie Hightower, Deputy Title IX Coordinator
UACCB Human Resources Building
(870) 612-2045
jodie.hightower@uaccb.edu

The mailing address for UACCB is: PO Box 3350, Batesville, AR 72503.

In addition, the U.S. Department of Education, Office of Civil Rights, may be contacted by phone at 800-421-3481 or by email at ocr@ed.gov.

Any person may report sex discrimination, including sexual harassment (whether or not the person is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator

IV. Amnesty

The University encourages reporting of incidents of prohibited conduct and seeks to remove any barriers to reporting. The University recognizes that an individual who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential consequences for their own conduct. Individuals who report prohibited conduct or participate as witnesses will not be subject to disciplinary sanctions for personal consumption of alcohol and/or other substances.

The University may initiate an educational discussion with individuals about their alcohol and/or drug use or may direct these individuals to services such as counseling for alcohol and/or drug use. Amnesty will not be extended for any violations of University policy other than alcohol/drug use. The use of alcohol, drugs, and/or legally prescribed medication does not justify or excuse behavior that constitutes prohibited conduct under this policy.

V. Filing Report with Local Law Enforcement

In some instances, sexual harassment may constitute both a violation of this policy and criminal activity. The College's grievance process is not a substitute for instituting legal action. **The College encourages individuals to report alleged sexual misconduct promptly to campus officials AND to law enforcement authorities, where appropriate.** Individuals may file a report directly with local law enforcement agencies by dialing 911. Individuals may also contact any of the following for assistance in filing a report with local law enforcement:

UACCB Campus Security
MCB 233C
(870) 307-2421

Batesville Police Department
51 Industrial Dr, Batesville
(870) 569-8111 or Dispatch (870) 698-2450

Independence County Sheriff
1750 Myers Ave, Batesville
(870) 793-8838

VI. Preserving Evidence

It is important that evidence of sexual assault be preserved, because it may be needed for prosecuting a criminal case. Victims and others should not alter the scene of an attack. The victim should not change clothes, bathe or shower, drink or eat anything, or brush his or her teeth before reporting the assault. Any items worn by the victim during the assault, but are not currently being worn, and any materials encountered during the assault (*i.e.*, bed sheets, blankets, etc.) should be placed in a paper bag and brought along with the victim to a local hospital emergency department that has kits to collect and preserve evidence of sexual assault.

VII. Employees Duty to Report to Title IX Coordinator

In order to enable the University to respond effectively and to proactively stop instances of sexual harassment, employees must, within 24 hours of receiving information regarding a potential

violation of this policy, report information to the Title IX Coordinator. Any employee who fails to promptly report a matter to the Title IX Coordinator may be subjected to disciplinary action for failing to do so. There are two categories of employees who are exempt from this requirement: (1) licensed health-care professionals and other employees who are statutorily prohibited from reporting such information and (2) persons designated by the campus as victim advocates.

VIII. Grievance Procedure

These procedures apply to all grievances regarding conduct that may constitute sexual harassment as defined in this policy (including sexual assault) and that falls within the University's Title IX jurisdiction. All other grievances by students, employees, or third parties shall be addressed through other procedures. The University's Title IX grievance process includes formal and informal procedures that encourage prompt resolution of complaints. In most cases, the complainant's submission of a formal, written complaint to the Title IX Coordinator will initiate the formal grievance process. However, the Title IX Coordinator may also submit a formal complaint under the circumstances described below. The University will respond promptly to all formal complaints of sexual harassment.

1. Basic Requirements

The University's grievance process shall adhere to the following principles:

- All relevant evidence—including both inculpatory and exculpatory evidence—will be evaluated.
- Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
- The Title IX Coordinator, investigator, hearing officers or panel members, decision-makers on appeal, persons involved with the informal resolution, and any other persons that play a significant role in the Title IX grievance process shall not have a conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent. The University shall carry out its disciplinary proceedings in a manner that is free from conflicts of interest by ensuring that there is no commingling of administrative or adjudicative roles. An advisor, investigator, adjudicator, and appellate adjudicator shall not carry out more than one role; however, it is not a conflict of interest for University's investigator to present evidence to an adjudicator.
- The respondent is presumed to not be responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the grievance process.
- The time frames for concluding the grievance process shall be reasonably prompt, as set forth in more detail in the procedures below.
- The grievance process may be temporarily delayed, and limited extensions of time frames may be granted, for good cause. In such instances, written notice to the complainant and the respondent of the delay or extension and the reasons for the action will be provided. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurring law enforcement activity; or the need for language assistance or accommodations of disabilities.
- Questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege will not be required, allowed, relied upon, or otherwise used. The University shall not consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in the capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that person's voluntary, written consent to do so for a grievance under this section.
- No party shall be restricted from discussing the allegations under investigation or to gather and present relevant evidence.

- A party whose participation in a hearing, investigative interview, or other meeting shall be provided with a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- The University shall maintain an administrative file that includes without limitation all documents and evidence in the institution's possession or control that is relevant to an alleged violation and the University's investigation. The parties shall have reasonable continuing access to the administrative file and may ask the Title IX Coordinator to schedule a reasonable time to inspect it. The administrative file shall not include privileged documents, internal communications, or communications from nonparties that the institution does not intend to introduce as evidence at a disciplinary proceeding. The administrative file shall include, without limitation
 - o Exculpatory evidence;
 - o Statements by an accuser or an accused student or a student organization;
 - o Third-party witness statements;
 - o Written communications;
 - o Social media posts;
 - o Demonstrative evidence;
 - o Documents submitted by any participant involved in disciplinary procedures; and
 - o The University's choice of a video recording, audio recording, or a transcript of any disciplinary ultimately held on the matter.

2. Initial Report/Intake Process

Initial Meeting with Complainant: Promptly upon receiving a report of conduct that could potentially be a violation of Title IX, the Title IX Coordinator (or designee) will contact the complainant to schedule an initial meeting to, as applicable:

- Provide a copy of this policy and a copy of Act 470 of 2023, codified at Ark. Code Ann. § 6-62-1401 et seq.
- Explain the process for filing a formal complaint and provide a copy of the Sexual Harassment Complaint Form on which the complainant may, if he or she agrees to disclose the information, provide details regarding the allegation, including the name of the accused individual and the date, location, and general nature of the alleged violation of policy
- Explain avenues for resolution, including informal and formal
- Explain the steps involved in an investigation and hearing under this policy
- Discuss confidentiality standards and concerns
- Refer to law enforcement, counseling, medical, academic or other resources, as appropriate
- Discuss, as appropriate, possible supportive measures, which are available with or without the filing of a formal complaint

If the complainant requests that no further action be taken and/or that no formal complaint be pursued, the Title IX Coordinator (and/or his or her designee) will inform the complainant that retaliation is prohibited and that honoring the complainant's request may limit the University's ability to fully respond to the incident. In the event the complainant stands firm on his or her request that no further action be taken, the Title IX Coordinator will evaluate whether to file a complaint under the criteria set forth below.

3. Formal Complain Process

Form and Filing of Complaint: The filing of a formal, written complaint initiates the formal grievance process and is available to any person who is participating in (or attempting to participate in) a University educational program or activity. The Title IX Coordinator (or an

investigator designated by the Title IX Coordinator) will investigate the allegations in the formal complaint. Formal complaints can be filed in several ways. The complainant may utilize the form provided or may submit the complainant's own document that contains the complainant's signature (either physical or digital) and is filed with the University's Title IX Office by U.S. mail, in person, through the Title IX portal provided for this purpose, or by email. The formal complaint should set forth the allegations and request that the Title IX Office investigate the matter.

Filing by Title IX Coordinator: The Title IX Coordinator may initiate the grievance process, even where the complainant declines to file a formal complaint, if the Coordinator determines that the particular circumstances require the University to formally respond to and address the allegations. Circumstances to be considered include, among others, a pattern of alleged misconduct by a respondent and whether the complaint has alleged use of violence, weapons, or other similar conduct. The Title IX Coordinator will also consider the complainant's wishes with respect to supportive measures and desired response by the University. Where a report is made anonymously and the Title IX Coordinator files the complaint, both the complainant and respondent will receive notice of the allegations with written details and identities of the parties if known.

Consolidation of Formal Complaints: The Title IX Coordinator may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Dismissal of Complaint Prior to Resolution: A formal complaint must be dismissed by the Title IX Coordinator if the alleged conduct (1) does not constitute sexual harassment, as defined in this policy, even if proved; (2) did not occur in the University's education program or activity; or (3) did not occur against a person in the United States. In addition, a complaint may be dismissed if, at any time during the investigation or hearing, a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the gathering of evidence sufficient to reach a determination as to the formal complaint or any allegations therein.

Upon dismissal of a formal complaint, for any reason, the Title IX Coordinator will send simultaneous, written notice of and reason(s) for the dismissal to the parties. The dismissal decision may be appealed pursuant to the procedure for appeals set forth in this policy. Dismissal of a complaint under this Title IX policy does not preclude a complainant from pursuing a grievance through other appropriate campus procedures.

Notice of Formal Complaint: Upon receipt of the formal complaint, the Title IX Coordinator will send simultaneous notifications of the filing of the complaint to the complainant and the respondent (if known). If, in the course of an investigation, the Title IX Coordinator decides to investigate allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known. The initial notice will contain the following:

- The allegations of the complaint that potentially constitute sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview (including the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under this policy, and the date and location of the alleged incident, if known)
- A copy of the Title IX policy

- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
- A statement informing the parties that they have a right to have one advisor of their choice to assist them throughout the proceedings who may be (but is not required to be) an attorney
- A statement that the parties have the right to inspect and review all evidence collected during the complaint process
- A statement that any party who knowingly makes false statements or submits false information during the grievance process will be subject to disciplinary procedures

Initial Meeting with Respondent: If a formal complaint is filed, the Title IX Coordinator will promptly schedule an initial meeting with the respondent after the written notice of the formal complaint is sent as described above. Prior to the initial meeting, the Title IX Coordinator shall provide a written notice of the date, time, location, participants, and purpose of the meeting, with sufficient time for the party to prepare to participate. During the initial meeting with the respondent, the Title IX Coordinator (or designee) will, as applicable:

- Provide a copy of this policy and a copy of Act 470 of 2023, codified at Ark. Code Ann. § 6-62-1401 et seq. (if not previously provided)
- Explain avenues for resolution, including informal and formal
- Explain the steps involved in an investigation and hearing under this policy
- Discuss confidentiality standards and concerns
- Discuss non-retaliation requirements
- Inform of any supportive measures already determined and being provided to the complainant that would directly affect the respondent
- Refer to law enforcement, counseling, medical, academic or other resources, as appropriate
- Discuss, as appropriate, possible supportive measures that can be provided to the respondent
- At least 24 hours before a student may be questioned regarding the events giving rise to the complaint, the student must be notified of the student's rights under Act 470 of 2023, including the right have the assistance of an advisor.

Right to Advisor: Both parties will be advised that they may be accompanied by one advisor/support person to assist them throughout the Title IX process (including any appeals), which can be (but is not required to be) an attorney. The advisor is not allowed to speak or otherwise actively participate during the pre-hearing interviews or meetings. It is the party's responsibility to obtain the services of an advisor, except that the University will make an advisor available to the parties during the hearing to determine responsibility upon request. A party who wants the University to provide an advisor for the determination hearing should make a request within 15 days after the party's filing or receipt of the formal complaint. The advisor's role at the hearing is further explained below.

Emergency Removal: The University may remove an accused student from the University's programs or activities on an emergency basis if the University:

- Undertake an individualized safety and risk analysis;
- Determines that an immediate threat or the threat of safety of a student or another individual arising from the allegations of misconduct justifies removal of the accused student; and
- Provides the accused student with notice and an opportunity to challenge the decision immediately following his or her removal.
- An institution that removes an accused student on an emergency basis shall:

- o Within 24 hours of an institution removing an accused student on an emergency basis, provide written notice to the accused student that explains the institution's reasons for removing the accused student on an emergency basis;
- o Within 3 business days of the written notice, unless otherwise waived by the removed student, convene an interim hearing to determine whether there is substantial evidence that the removed accused student poses a risk to the health or safety of any student or other individual and that the emergency removal of the accused student is appropriate to mitigate that risk.
- o At the interim hearing, the removed accused student and the accusing student may be represented by an attorney or non-attorney advocate who may fully participate to the same extent as in a final hearing to determine responsibility.
- o An accused student's waiver of his or her right to be represented by an attorney or a non-attorney advocate shall not constitute an admission of guilt or a waiver of additional rights.

Administrative leave: Nothing in this policy precludes the University from placing a non-student employee respondent on administrative leave during the pendency of the grievance process.

Supportive Measures: Supportive measures, as defined in this policy, will be based on the facts and circumstances of each situation. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. They may include, but are not limited to, the following:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in working or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus

The University will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

Informal Resolution: At any time after a formal written complaint is filed but prior to reaching a determination regarding responsibility, the University may facilitate a resolution without a full investigation and adjudication. The complainant and respondent must give their voluntary, written consent to the informal resolution process. The informal resolution process will not be utilized to resolve allegations that an employee sexually harassed a student.

Prior to commencing the informal resolution process, the Title IX Coordinator or designee must provide the parties a written notice that includes the following information:

- Notice of the allegations contained in the formal complaint, including dates, location(s), and identities of the parties
- Any agreed upon resolution reached at the conclusion of the informal complaint process will preclude the parties from resuming a formal complaint arising from the same allegations
- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared

4. Comprehensive Investigation

If resolution of the allegations does not proceed through the informal process, the matter will proceed with a comprehensive investigation and resolution through the formal complaint processes. The Title IX Coordinator will be responsible for overseeing the prompt, equitable, and impartial investigation during the formal complaint process. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest on the University and not the parties.

Assignment of Investigator: If the Title IX Coordinator's designee is to conduct the investigation, the Title IX Coordinator will forward the complaint to the investigator and share the investigator's name and contact information with the complainant and the respondent.

Conflicts of Interest and Bias: Immediately after the identity of the person who will conduct the investigation is determined and communicated to the parties, the investigator, the complainant, or the respondent may identify to the Title IX Coordinator in writing any real or perceived conflicts of interest or bias that the person charged with conducting the investigation (including the Title IX coordinator, where applicable) may have. The Title IX Coordinator will carefully consider such statements and will assign a different individual as investigator if it is determined that a material conflict of interest or bias exists.

Overview of Investigation: Upon receipt of the formal complaint, the Title IX Coordinator/Investigator (hereinafter "Investigator") will promptly begin the investigation, which shall include but is not limited to the following:

- Conducting interviews with the complainant, the respondent, and any witnesses (including expert witnesses, where applicable) and summarizing such interviews in written form
- Visiting, inspecting, and taking photographs at relevant sites
- Where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal reports, this step may be coordinated with law enforcement agencies)
- Obtaining any relevant medical records pertaining to treatment of the complainant, provided that the complainant has voluntarily authorized release of the records in writing to the investigator

Inspection and Access to Evidence: The parties may identify to the Investigator any evidence or witnesses they wish to be included as part of the investigation. Both parties will also have equal opportunity to inspect and review any evidence obtained during the investigation. The Investigator will complete the gathering of evidence as soon as practicable, which will ordinarily occur within approximately 30 days after the filing of the formal complaint. After the gathering of evidence has been completed but prior to completion of the investigative report, the Investigator will provide to each party and party's advisor, if any, any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence (whether obtained from a party or other source), so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence will be provided in an electronic format or a hard copy. The parties will have 5 days to submit a written response to the evidence, which will be considered by the Investigator prior to completion of the investigative report. The evidence will be made available for the parties to use at the hearing to determine responsibility.

Investigative Report: The investigative report shall fairly summarize the relevant evidence and must include the following items and information that is relevant to the allegations in the formal complaint:

- The dates of the Title IX Coordinator's initial receipt of a report of alleged sexual harassment against the complainant, intake meeting, and the filing of the formal complaint
- A statement of the allegation(s), a description of the incident(s), the date(s) and time(s) (if known), and location of the alleged incident(s)
- The names of all known witnesses to the alleged incident(s)
- The dates that the complainant, respondent, and other witnesses were interviewed, along with summaries of the interviews
- Descriptions or summaries of any physical or documentary evidence that was obtained (e.g., text messages, emails, surveillance video footage, photographs)
- Any written statements of the complainant, respondent, or other witnesses
- The response of University personnel and, if applicable, University-level officials, including any supportive measures taken with respect to the complainant and respondent

The Investigator shall provide a draft of the investigative report to the Title IX Coordinator for review before the report becomes final. An electronic or hard-copy version of the final investigative report will be provided to each party (and each party's advisor) concurrently. The investigative report shall be provided as soon as practicable after the parties have submitted their written responses to the evidence (if any) and at least 10 calendar days prior to the determination hearing. The parties may provide a written response to the investigative report within 5 calendar days after receiving it.

5. Determination Hearing

Following the conclusion and distribution of the investigative report, a hearing will be conducted to determine the outcome and resolution of the complaint. The parties and their advisors, if any, will be notified by the Hearing Officer, Hearing Panel chairperson, or Title IX Coordinator of the date, time and location of the hearing, as set forth in the notice provisions below. A student or student organization may waive the right to be present at a disciplinary proceeding, but the waiver must be in writing and signed by the student. A copy of the signed waiver shall be provided to the student and placed in the administrative file. If a student waives the right to be present at a disciplinary proceeding, the student shall not have a right to appeal the University's initial decision regarding whether the student is responsible for violating this policy.

Hearing Officer or Hearing Panel: Within 3 days of the release of the investigative report to the parties, the Chancellor or his/her designee will appoint (1) a single Hearing Officer, who may be (but is not required to be) an outside person not permanently employed by the University, or (2) a three-member Hearing Panel, which shall be composed of at least 2 faculty and/or staff members and may include (but is not required to include) one outside person who is not permanently employed by the University. If a Hearing Panel will be used, the Chancellor or his/her designee will select one member of the Hearing Panel to act as the Chair. The Title IX Coordinator will provide a copy of the formal complaint and the investigative report, along with the parties' written responses to the investigative report, to the Hearing Officer or each member of the Hearing Panel.

Promptly after the appointment of the members of the Hearing Panel, the Title IX Coordinator will provide concurrent written notice to the complainant and the respondent, setting forth the names of the individuals selected to serve as the Hearing Officer or member of the Hearing Panel. The parties may challenge the participation of any decision-maker based on bias or a

conflict of interest by submitting a written objection to the Chancellor or his/her designee within 3 calendar days of receipt of the notice. Any objection must state the specific reason(s) for the objection. The Chancellor or his/her designee will evaluate the objection and determine whether to select a new Hearing Officer or alter the composition of the Hearing Panel. Failure to submit a timely and proper objection will constitute a waiver of the objection. Any changes in the Hearing Officer or Hearing Panel will be provided in writing to both parties prior to the date of the hearing.

Submission of Witnesses Lists: Within 5 calendar days of receipt of the notice of the Hearing Officer or Hearing Panel, both parties may provide to the Hearing Officer or Chair of the Hearing Panel a list of witnesses, if any, that they propose be called to testify and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute. Absent good cause, a party cannot include a witness on the party's pre-hearing witness list unless the witness was identified during the investigation. The Hearing Officer of Hearing Panel reserves the right to call relevant witnesses who may not have been included on a party's witness list.

Notice of the Hearing: Not less than 5 days but not more than 10 days after delivery of the notice of the Hearing Officer's identity or initial composition of the Hearing Panel, the Hearing Officer or Chair of the Hearing Panel will provide a separate notice to the complainant, respondent, and any other witnesses whose testimony the Hearing Officer or Hearing Panel deems relevant, requesting such individuals to appear at the hearing to determine responsibility. The notice should set forth the date, time, and location for the individual's requested presence. The Hearing Officer or Hearing Panel shall provide, in its notice to the parties, the names of the witnesses that the Hearing Officer or Hearing Panel plans to call. The hearing shall be conducted promptly but no sooner than 10 calendar days after release of the investigative report.

Failure to Appear: If any party fails to appear at the hearing if requested to do so, and such party was provided notice of the hearing as set forth above, then absent extenuating circumstances, the Hearing Officer or Hearing Panel will proceed to determine the resolution of the complaint. As explained below, a party's failure to appear may impact the Hearing Officer or Hearing Panel's consideration and weight given to the non-appearing party's version of events based on another source, such as the formal complaint or a prior statement.

Option for Virtual or Separate Presence: Live hearings may be conducted with either all parties present in the same geographic location or, at the University's discretion, any or all parties and witnesses may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. Either party may request not to be in the same room as the other party. If any party makes such a request, then both parties will be required to attend the hearing from a location or room different from where the Hearing Officer or Hearing Panel is sitting. If the hearing is virtual, or there is a request for separate rooms at a physical location, the University will ensure that all participants are able to simultaneously see and hear the party or witness answering questions. Instructions will be provided for accessibility prior to the hearing date.

Recordings: An audio or audio-visual recording will be created of the live hearing and will be made available for inspection and review at any party's request.

Advisor's Role at Hearing: The complainant and respondent may be accompanied by an advisor during the hearing to determine responsibility. A party must identify his or her advisor (if any) at least 5 days prior to the hearing. The advisor may fully participate to the same extent as a party, including by (1) making an opening and closing statement, (2) presenting

relevant evidence, and (3) cross-examining adverse witnesses. The advisor can be anyone, including an attorney. A party may arrange for the party's advisor of choice to attend the hearing at the party's own expense. Alternatively, the University will select and provide an advisor to assist a party at the hearing to determine responsibility, without fee or charge, upon request. In either scenario, the advisor may only participate in the hearing to the extent allowed under this policy. A party who wants an advisor to be provided by the University should notify the Title IX Coordinator at least 15 days after the filing or receipt of the formal complaint.

Evidentiary Matters and Procedure: The parties, through their advisors, shall have an equal opportunity to question the opposing party and other witnesses, including fact and expert witnesses, and present other inculpatory or exculpatory evidence. Formal rules of evidence will not be observed during the hearing. The Hearing Officer or Hearing Panel will conduct the initial questioning of witnesses prior to the questioning by an advisor. The Hearing Officer or Chair of the Hearing Panel (acting alone or in consultation with other panelists) will make all determinations regarding the order of witnesses, relevancy of questions, and the evidence to be considered or excluded during the hearing and decision-making process. The Hearing Officer or Hearing Panel may, in its discretion, choose to call the Investigator for the purpose of providing an overview of the investigation and findings.

Witness Examinations by the Parties: Each party's advisor is permitted to question the opposing party and the other witnesses, so long as the questions are relevant and not duplicative of the questions posed by the Hearing Officer or Hearing Panel. The questions may include challenges to credibility. No other questioning or speaking participation by an advisor will be allowed. A party may not examine a party or witness directly; rather, a party must utilize the services of an advisor for the purpose of posing questions to another party or witness. A party not represented by an advisor may, however, submit a list of proposed questions to the Hearing Officer or Chair of the Hearing Panel and ask that the questions be posed to the opposing party or witness.

The decision-maker(s) cannot draw an inference about responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. In a circumstance where a party or witness does not participate in a hearing, the panel should weigh the facts and circumstances in determining whether to consider, and what weight to assign, any statements furnished outside the hearing process.

The Hearing Officer or Chair of the Hearing Panel will make determinations regarding relevancy of questions before a party or witness answers. If a determination is made to exclude the question based on relevancy, the Hearing Officer or Panel Chair will provide an explanation of why the question was deemed irrelevant and excluded.

The Hearing Officer or Panel Chair may disallow the attendance of any advisor if, in the discretion of the Hearing Officer or Panel Chair, such person's presence becomes disruptive or obstructive to the hearing or otherwise warrants removal. Advisors will not be permitted to badger or question the opposing party or any witness in an abusive or threatening manner. Absent accommodation for a disability, the parties may not be accompanied by any other individual during the hearing process except as set forth in this policy. University officials may seek advice from the University's Office of General Counsel on questions of law, policy, and procedure at any time during the process.

Prior Sexual Conduct: Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and

evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Confidentiality and Disclosure: To comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the grievance process is not open to the general public. Accordingly, documents prepared in anticipation of the hearing (including the formal complaint, investigative report, evidentiary materials, notices, and prehearing submissions), recordings of the hearing, and documents, testimony, or other information used at the hearing may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law.

Decision of the Hearing Officer or Panel and Standard of Evidence: Following the conclusion of the hearing, the Hearing Officer or Hearing Panel will confer and determine whether the evidence establishes that it is more likely than not that the respondent committed a violation of this policy. In other words, the standard of proof will be the preponderance of the evidence. This standard applies to complaints against both students and employees. In reaching the determination, the Hearing Officer or Hearing Panel will objectively and thoroughly evaluate all relevant evidence, both inculpatory and exculpatory, and reach an independent decision, without deference to the investigative report. If a Hearing Panel is utilized, the determination of responsibility shall be made by majority vote.

Written Determination of Responsibility: As soon as practicable following the hearing (and ordinarily within 10 days thereafter), the Hearing Officer or Panel Chair shall complete a report of the decision-maker's findings. The Hearing Officer or Panel Chair will send simultaneous notification of the decision to both parties and their advisors, where applicable, with the following information:

- Identification of the allegations potentially constituting sexual harassment under the policy
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence and the hearing held
- Findings of fact that support the determination
- Conclusions regarding the application of the University's conduct standards to the facts
- A statement and rationale for the result as to each allegation, including a determination as to responsibility using the preponderance of the evidence standard
- Any disciplinary sanctions imposed on respondent
- Whether any remedies designed to restore or preserve equal access to the University's education program or activity will be provided to the complainant (description of remedies is not included)
- Procedures and permissible bases for the parties to appeal

Sanctions: If the Hearing Officer or Hearing Panel determines that more likely than not the respondent committed a violation of this policy, then the Hearing Officer or Hearing Panel will determine sanctions and give consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this policy, or both. The range of potential sanctions is set forth in the definitions section of this policy.

Ordinarily, sanctions will not be imposed until the resolution of any timely appeal under this policy. However, if it is deemed necessary to protect the welfare of the victim or the University community, the Hearing Officer or Hearing Panel may recommend to the decision-maker on appeal that any sanctions be imposed immediately and continue in effect until such time as the appeal process is exhausted.

Remedies: Where a determination is made that the respondent was responsible for sexual harassment, the Hearing Officer or Hearing Panel will determine any final remedies to be provided to the complainant, if any, and the Title IX Coordinator will communicate such decision to the complainant and the respondent to the extent that it affects him/her. Remedies must be provided in all instances in which a determination of responsibility for sexual harassment has been made against the respondent. Remedies must be designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same individualized services described above as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

No Retaliation: The Title IX Coordinator will take steps to prevent any harassment or retaliation against the complainant, the respondent, or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, and providing training for the campus community.

6. Appeals

Procedure for Appeals: Both the complainant and the respondent may appeal from (1) the Title IX Coordinator's dismissal of a formal complaint or any allegations therein or (2) the Hearing Officer or Hearing Panel's determination. The appeal should be submitted in writing to the Title IX Coordinator within 25 days of receipt of the Hearing Officer or Hearing Panel's decision. The Title IX Coordinator will forward the appeal to the Chancellor. The appeal will be decided based on the written record and without deference to the decision of the Hearing Officer or Hearing Panel.

If the respondent is an employee, the Chancellor or his/her designee will decide the appeal. If the respondent is a student, the appeal will be decided by the Chancellor or his/her designee or, in the alternative, the Chancellor will designate an Appeal Panel comprised of at least two faculty and/or staff members. One of the members of the Appeal Panel can be (but need not be) an outside person who is not an employee. If an Appeal Panel is utilized, the Chancellor shall designate one of the panelists as the Chair of the Appeal Panel. The Chair of the Appeal Panel (in cases where the respondent is a student and a panel is utilized) or the Chancellor or designee (in other cases) shall make any decisions concerning appellate jurisdiction under the permissible grounds for appeal described below.

The party appealing may use the Appeal Form or the party may submit his/her own written and signed document. Acceptable means of notification include email, facsimile, hand-delivered notification, or postal delivery. The Title IX Coordinator will promptly inform the other party of the appeal.

Grounds for Appeal: The appeal from the decision of the Hearing Officer or Hearing Panel must be for one of the following reasons: (1) a procedural irregularity that affected the outcome of the decision; (2) there is new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; or (3) the Title IX Coordinator, Investigator(s), Hearing Officer, or Panel Member(s) had a conflict of interest or bias for or against complainants or respondents in general or against an individual complainant or respondent that affected the outcome.

Responses: Within 5 days of receipt of the appeal, the other party may submit a written statement in response to the appeal and which supports or challenges the dismissal or determination. The response should be submitted to the Title IX Coordinator, who shall provide a copy to the decision-maker and the appealing party.

Decision on Appeal: As soon as practicable after receiving the parties' written submissions (and ordinarily within approximately 10 days), the Chancellor (or designee) or Appeal Panel will issue a written decision describing the result of the appeal and the rationale for the result. The decision on appeal may uphold the decision, modify it, or remand for further factual development. The decision-maker on appeal will concurrently notify the complainant and the respondent of the decision, with a written copy provided to the Title IX Coordinator.

Employees: All non-tenure track faculty and staff members of the University without term contracts are at-will employees who may be terminated at any time, with or without cause. With regard to such faculty and staff, nothing in this Policy shall create an expectation of continued employment with the University or be construed to prevent or delay the University from taking any disciplinary action deemed appropriate (including suspension and immediate termination of employment) for any violation of state law, federal law or University policy.

CERTIFICATION OF COMPLIANCE

At the conclusion of a hearing and appeal (if any), the Chancellor or Vice Chancellor for student affairs shall certify that the substantial rights of student complainants and respondents as established in Act 470 of 2023, Ark. Code Ann. § 6-60-1401 et seq., have been followed. The certification shall be maintained in the administrative file.

7. Time Periods

The University will make every reasonable effort to ensure that the investigation and resolution of a complaint occurs in as timely and efficient a manner as possible.

Any party may request an extension of any deadline by providing the Title IX Coordinator or his or her respective deputies with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request.

The Title IX Coordinator may also modify timelines in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, absence of an advisor, concurrent law enforcement activity, the need for language assistance or disability accommodation and/or other circumstances that may arise.

8. Retaliation Prohibited

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. Part 106, or this policy, or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including changes against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sex discrimination or harassment, for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. Part 106, or this policy, constitutes retaliation. However, the exercise of rights protected under the First Amendment does not constitute retaliation.

9. False Reports

Willfully making a false report of sexual harassment or submitting false information during these proceedings is a violation of University policy and is a serious offense. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. Any person who willfully makes or participates in making a false or frivolous report of discrimination, harassment, retaliation or sexual misconduct will be subject to disciplinary action. False reporting may also violate state criminal statutes and civil defamation laws.

10. External Reporting Agencies

Although complainants are encouraged to resolve their grievances related to discrimination by utilizing this Complaint/Grievance Procedure, they may have the right to file a complaint directly with the following agencies. Individuals who wish to file complaints with these external agencies should make contact as soon as possible and verify any applicable time limits and deadlines.

Office of Civil Rights (OCR)

U.S. Department of Education
1999 Bryan St., Suite 1620
Dallas, TX 75201-6810
Toll Free: 1-800-421-3481
Telephone: 214-661-9600
Fax: 214-661-9587
Email: OCR.Dallas@ed.gov

NSF Grantees Only

National Science Foundation
Office of Diversity and Inclusion
2415 Eisenhower Ave.
Alexandria, VA 22314
Telephone: 703-292-8020
Fax: 703-292-9072
Email: programcomplaints@nsf.gov

11. Effective Date

The University reserves the right to make changes and amendments to this Policy as needed, with appropriate notice to the campus community. However, the Policy in force at the time that a Complaint is filed will be the Policy used throughout the investigation, hearing, and any appeals.

12. Retention of Records

For a period of at least seven years, the University will maintain the records of:

- Each sexual harassment investigation, including any determination regarding responsibility, any recordings or transcripts, disciplinary sanctions, and remedies provided to the complainant
- Any appeal and the result therefrom
- Any informal resolution and the result therefrom
- All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the University's website.
- Records of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, along with documentation of the University's bases for its conclusion that its response was not deliberately indifferent.

Documentation pertaining to terminations, expulsions or educational sanctions may be retained indefinitely.

IX. Definitions

Complainant: Any individual who is alleged to be the victim of conduct that could constitute sexual harassment. At the time of the filing of a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. Any person may report sex discrimination, including harassment, whether or not the person reporting is the person alleged to be the victim of discrimination or harassment.

Consent: Consent is clear, knowing, and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, if those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. If coercion, intimidation, threats, or physical force are used, there is no consent.

If a person is mentally or physically incapacitated so that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent. Incapacitation can be due to alcohol or drugs or being asleep or unconscious. This policy also covers incapacity due to mental disability, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Brundage, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>

Use of alcohol or other drugs will never function as a defense to a violation of this policy. An individual violates this policy if the individual initiates and engages in sexual activity with someone who is incapacitated, and (1) the individual knew the other person was incapacitated, or (2) a sober reasonable person under similar circumstances as the person initiating the sexual activity would have known the other person was incapacitated.

There is also no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes overt threats, implied threats, intimidation, and coercion that overcome resistance or produce consent.

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Under Arkansas law, the age of consent varies with the degrees of assault, the age of the actor, and the relationship of the actor to the other party. For specific information, please refer to Arkansas statutes (e.g., Arkansas Code Annotated § 5-14-125, Sexual Assault in the Second Degree).

Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. In addition, previous relationships or prior consent cannot imply consent to future sexual acts.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such relationship is determined

based on consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

Days: Refers to working days, rather than calendar days, unless otherwise specified.

Domestic Violence: The term includes felony or misdemeanor crimes of violence committed by a current spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Arkansas, or by any other person against an adult or youth victim who is protected from that person's acts under the laws of Arkansas. Under the Arkansas law on domestic abuse, "family or household members" means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, in-laws, any children residing in the household, persons who presently or in the past have resided or cohabitated together, persons who have or have had a child in common, and persons who are presently or in the past have been in a dating relationship together.

Education Program or Activity: Includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by an officially recognized student organization.

Formal Complaint: A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. The phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

Party: The complainant or respondent.

Preponderance of the Evidence: A standard of proof where the conclusion is based on facts that are more likely true than not.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sanctions: The determination of sanctions to be imposed against a respondent who is found to have been responsible for violating this policy will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this Policy, or both. Sanctions against students may include, without limitation, expulsion or suspension from the University, disciplinary probation, expulsion from campus housing, mandated counseling, and/or educational sanctions. Sanctions against employees and other non-students may include, without limitation, a written reprimand, disciplinary probation, suspension, termination, demotion, reassignment, revision of job duties, reduction in pay, exclusion from campus or particular activities, and/or educational sanctions deemed appropriate.

Sexual Assault: The term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. A nonforcible sex offense includes incest (i.e., the nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law) and statutory rape (i.e., nonforcible sexual intercourse with a person who is under the statutory age of consent). A forcible

sex offense is any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent. A forcible sex offense includes:

- Forcible rape: the penetration, no matter how slight, of the vagina or anus with any part of the body or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Forcible sodomy: Oral or sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against that person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity;
- Sexual assault with an object: Using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against that person's will in instances where the victim is incapable of giving consent because of his/her youth or because his/her temporary or permanent or physical incapacity.
- Forcible fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against that person's will in instances where the victim is incapable of giving consent because of his/her youth or because his/her temporary or permanent or physical incapacity.

Sexual Harassment: Sexual harassment is conduct on the basis of sex constituting one of the following:

- (1) An employee of the University conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's educational programs or activities; or
- (3) Any of the following:
 - (A) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v) and this policy
 - (B) "Dating violence" as defined in 34 U.S.C. 12291(a)(10) and this policy
 - (C) "Domestic violence" as defined in 34 U.S.C. 12291(a)(8) and this policy
 - (D) "Stalking" as defined in 34 U.S.C. 12291(a)(30) and this policy

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without a fee or charge to the complainant or respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment or deter sexual harassment.

[End of Title IX Policy 410.3]

Sexual Assaults: Reporting a Rape or Sexual Assault

As soon as possible following an incident of rape or sexual assault, a victim should report the incident to the Independence County Sheriff's Department. Reporting to law enforcement helps:

(1) protect you and others from future victimization; (2) apprehend the assailant; (3) and opens options regarding criminal prosecution, action against the perpetrator, and College disciplinary action.

Reporting a rape or sexual assault and choosing to prosecute are two separate things. When you file a report, you are not obligated to continue with legal proceedings or with College disciplinary action, but you are encouraged to prosecute.

After the report is filed, a rape or sexual assault victim is escorted to a local hospital for a medical examination. The medical examination is necessary to assure that the victim is alright physically, that the possibility of venereal disease and other contagious diseases are eliminated, and that necessary lab specimens are obtained for prosecution.

Do not shower, bathe, or change clothes. If you do, vital evidence may be lost. Do not brush your teeth. The evidence is needed when the medical examination is performed after the rape.

Changing Classes for Sexual Assault Victims

If you are the victim of sexual assault and have filed charges, you are entitled to changes in academic situations if these changes are reasonably available. To request such changes, contact the Vice Chancellor for Student Affairs.

Sanctions

Students found guilty of violations of the Conduct Standards relating to assault, sexual assault, rape and other forms of violence are subject to the full range of disciplinary sanctions outlined in the UACCB Student Handbook. Possible sanctions include, but are not limited to, expulsion, dismissal, suspension, probation, warning, restitution, fines, and loss of privileges. College disciplinary proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

The Office of Student Development will provide assistance to any accuser/victim in reporting crimes to law enforcement authorities. Both the accuser and the accused may request that a College advisor be present during disciplinary proceedings. Both will be informed of the outcome of the disciplinary proceeding brought alleging sexual assault.

Procedures for On-Campus Disciplinary Action

Any member of the College community may file charges against a student for violence or misconduct. Charges shall be prepared in writing and directed to the Vice Chancellor for Student Affairs. Detailed filing and hearing procedures and regulations are listed in

the UACCB Student Handbook. The complainant and the accused have the right to be assisted by a College advisor and to have that advisor present during the hearing. Following the final decision of the hearing body, both the victim and the accused will be informed of the determination and recommended sanctions, if any.

Sex Offender Registration

Section 12-12-906(e) of the Arkansas Code and the federal Campus Sex Crimes Prevention Act requires sex offenders who plan to enroll in college to register with the law enforcement agency having jurisdiction over the campus. The statute states that, “[l]ocal law enforcement agencies having jurisdiction shall disclose, in accordance with guidelines promulgated by the [Arkansas] Sex Offenders Assessment Committee, relevant and necessary information regarding offenders to the public when the disclosure is relevant and necessary for public protection.” The Independence County Sheriff’s Office is the law enforcement agency with jurisdiction over the UACCB campus. Any person convicted of a sex offense who plans to attend UACCB must also register with the Independence County Sheriff’s Office. The Arkansas Sex Offender Registry is available on-line at <http://www.acic.org/Registration/index.htm>.

The Daily Crime Log

UACCB security maintains a daily crime log that is available to the public. The daily crime log discloses all alleged criminal incidents, including non-Clery Act crimes, reported to Security. The Clery Act requires that the daily crime log include specific categories of information which include: 1) the nature of the crime; 2) the date and time the crime occurred; 3) the general location of the crime; and 4) the disposition of the complaint, if known.

An institution may temporarily withhold information from the daily crime log in some cases. There must be clear and convincing evidence that the release of information may 1) jeopardize an ongoing investigation; 2) jeopardize the safety of an individual; 3) cause a suspect to flee or evade detection; or 4) result in the destruction of evidence.

When a hate crime is committed, UACCB will identify the accused for Clery Act reporting stating gender and separate ethnicity and national origin into different categories.

Statistics from Local Police

The Executive Director of Facilities and Auxiliary Services submits an annual request to the local law enforcement agencies requesting specified crime statistics reported to local police agencies that occurred on or near campuses and on College controlled or affiliated property to be reported for inclusion in the annual crime report. Documentation of the request is maintained by the Executive Director of Facilities and Auxiliary Services regarding the College’s efforts to obtain the statistics and documentation of any noncompliance on behalf of the police as well as the statistics from all appropriate police agencies with jurisdiction for UACCB.

Report to ED via the Web-based Data Collection

Per request by annual letter, the United States Education Department (ED) sends a request to the Chancellor to submit the crime statistics portion of the Annual Security Report via the Campus Safety and Security Survey web-based system. The Executive Director of Facilities and Auxiliary Services serves as the Campus Safety Survey Administrator (CSSA). The CSSA or designee enters and submits the College's crime statistics through this survey. UACCB's updated statistics are available to the general public at <http://ope.ed.gov/security> or <https://www.uaccb.edu/security>

Annual Disclosure and Distribution

The Executive Director of Facilities and Auxiliary Services is responsible for the collection, reporting, and disseminating of the annual crime statistics from the local law enforcement agencies and Campus Security Authorities for inclusion in the Annual Crime Report following the guidelines of the Code of Federal Regulations.

The Annual Security Report of 2023 includes statistics for the previous three years (2020, 2021, and 2022) concerning reported crimes that occurred on-campus; in off-campus buildings or property owned or controlled by the college; and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security, such as policies addressing sexual assault, and other matters. The Annual Security Report is published and distributed annually by October 1 to all currently enrolled students and employees by electronic mail with one-click hyperlinks to the report on the College web page. In addition, a notice is provided, as appropriate, to all prospective students and employees. A copy of this report may be obtained by contacting the Executive Director of Facilities and Auxiliary Services office at 870.612.2004, or by accessing the report online at <https://www.uaccb.edu/security>. The crime statistics are also submitted to the U.S. Department of Education each year as prescribed by the Department of Education.

Safety Tips on Campus

Personal Safety

The keys to personal safety are *awareness* and *assertiveness*:

- **Look assertive, confident, and aware of your surroundings.**
- Trust your intuition. If a particular situation makes you feel uncomfortable or unsafe, choose an alternative. Don't be afraid to ask for help.
- Keep keys accessible and wear comfortable clothing for added safety and defense.
- Turn around and confront someone you think is following you; the surprise of a hostile look will deter most assailants.
- In attempted sexual assaults, approximately 50 percent of the women escape if they scream, and up to 85 percent escape if they physically resist quickly and vigorously. Trust your instincts.

- Know vulnerable targets of the assailant: eyes, nose, throat, stomach, kneecaps, and groin.
- Backpacks, purses, book bags, etc., should never be left unattended.

Preparing the annual disclosure of crime statistics

The Clery Report is compiled by the Executive Director of Facilities and Auxiliary Services or designee. Crime and arrest statistics for the report are compiled from police reports from the files of UACCB's security office and both the Batesville Police Department and Independence County Sheriff's Department. Judicial referral statistics are provided by UACCB's Executive Director of Facilities and Auxiliary Services. Inquiries are made to the top University administrators, directors and department heads requesting information if a crime was reported to anyone in their area and not reported to the police. Every attempt is made to ensure that the information provided is accurate.

Titles of campus persons or organizations to which crimes should be reported:

- UACCB Security
- Executive Director of Facilities and Auxiliary Services
- Vice Chancellor for Student Affairs
- Director of Human Resources
- Student Life Coordinator

Statistics Reported:

UACCB Campus Security Act Report 2022	2022			2021 Totals	2021			2020 Totals	2020			2019 Totals
	On Campus	Non Campus	Public Property		On Campus	Non Campus	Public Property		On Campus	Non Campus	Public Property	
Murder/Non- Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense Forcible	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Non-Forcible Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Attempted Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrest	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrest	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapon Possession Arrest	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapon Possession Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0

Violence Against Women Reauthorizations Act (VAWA) of 2013 – On March 7th, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4), which, among other provisions, amended section 485(f) of the HEA, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act requires institutions of higher education to comply with certain campus safety and security related requirements as a condition of their participation in the title IV, HEA programs. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, stalking and sexual assault and to include certain policies,

procedures, and programs pertaining to these incidents in their annual security reports (ASR). The sexual assaults statistics are already counted in the area previously stated as “Sex Offenses Forcible and Sex Offenses Non-forcible.”

Continued...

Appendix

Sex Offenses Definitions

Prepared by the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program

SEX OFFENSES—FORCIBLE

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

A. Forcible Rape

The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

B. Forcible Sodomy

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. Sexual Assault with an Object

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

D. Forcible Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

SEX OFFENSES—NON-FORCIBLE

Unlawful, non-forcible sexual intercourse.

A. Incest

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B. Statutory Rape

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Crime definitions from the Uniform Crime Reporting Handbook:

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joy riding).

Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: The killing of another person through gross negligence.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or causing the victim fear.

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin,

codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine).

Liquor Law Violations: The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition).

Stalking: Whoever (1) travels in interstate or foreign commerce or is present within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel or presence engages in conduct that (A) places that person in reasonable fear of the death of, or serious bodily injury to that person; an immediate family member (as defined in section 115) of that person; or a spouse or intimate partner of that person; or (B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described above (2) with the intent to kill, injure, harass, or intimidate another person, uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that (A) places that person in reasonable fear of the death of or serious bodily injury to a person described above; or (B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described above, shall be punished as provided in section 2261 (b) of this title.

Geography definitions from the Clery Act

On-Campus-Defined as: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

Non-Campus Building or Property-Defined as: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational

purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property-*Defined as:* All public property, including thoroughfares, streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus.

The UACCB crime statistics do not include crimes that occur in privately owned properties, homes, or businesses within or adjacent to the campus boundaries.

--- End of Report ---